C. M. MERRIMAN'S MONEY

ONE OF FOUR HEIRS TO A MILLION AND HIS APPEAL.

The Supreme Court Practically Decides Against Him When Reasons for Sustaining the Deed of Trust in His Property Were Given.

From Yesterday's Philadelphia Press.

"If we want to hear from you in reply, Mr. Candor, we will call upon you in the morning," said Chief Justice Paxson, of the Supreme Court, yesterday to Addison Candor, of Williamsport, counsel for C. La Rue Munson, trustee of the spendthrift trust, made by his cousin and intimate friend, Cyrus M. Merriman, one of four heirs to more than a million dollars left by his father Hiram, one of the wealthiest lumber dealers in the West Branch valley.

After an extension of time to Counsellor H. N. Williams of more than an hour, to present his side of the case, this was practically a decision against his client, Cyrus Merriman, who sought to have the Court set aside his deed of trust, made when he was in debt and in imminent danger of criminal prosecution for embezzlement. This state of affairs had been brought about by Mr. Merriman's extravagance. While ready money from his own resources was scarce with him he had expended in three years over $4,000 of trust funds which had been left with him, over $50,000 drawn from his father's estate and had contracted $12,000 additional indebtedness. "For all this," said Judge Bucher, in rendering the decision in the court below, "all he could show was a house and lot with a mortgage of $5,500; 31,380 shares of the Atlantic Gulf Coast Canal and Okee-Chobee Land Company, of Florida, selling when sold at all at sixty cents a share; a pair of pictures in his barn, one Holstein cow, three pacing and trotting mares, two geldings, one bay stallion, a pair of working horses, harness, blankets, four sleighs, four buggies, two saddles and bridles, two iron safes, one hack, a rubber horse cover, three buggy poles, two reflecting lamps, one wolfskin robe and his household furniture."

HE AND HIS THREE BROTHERS.

Cyrus M. Merriman was one of four brothers, who upon the death of their father, in February, 1891, inherited in equal, undivided shares, an estate amounting to more than $1,000,000. The four sons were appointed executors, and the administration of the estate progressed without friction until late in 1893, when Cyrus' personal extravagance and unusual demands for advances from his father's estate caused dissatisfaction on the part of his brothers, and they gave notice through the newspapers forbidding persons to do business with Cyrus as executor, and even changed the combination on the safe containing the books and papers of the estate.

Deprived of one source of income, Cyrus went more heavily into debt, and in December of the following year he found counsel for the A. E. Clement estate, of which he was the administrator, threatening to bring criminal prosecution against him for embezzling $4,400 of the moneys of the estate and creditors for over $16,000 more pushing him. He took counsel with his brothers and his wife. His brothers agreed to help him out his immediate difficulties if he would place his share of the estate in trust so that no such troubles would ever again arise. He agreed, and from among the several persons suggested as trustee he selected his cousin, C. La Rue Munson, who had been his own intimate friend, and had been counsel for his father in such confidential and trusted relations that the father had requested his sons in his will to retain him in the affairs of the estate.

Mr. Munson accepted the trust to be held by him for the payment of the debts then existing, the income of the estate, after the payment of these debts and the expense of the trust, "to be paid to his wife and children, free and clear from all the debts which he might in the future contract, and at his death the balance of his estate to go to his wife and children."

MR. MERRIMAN'S APPEAL.

After Mr. Merriman's debts had been paid and the Clement estate satisfied, two years elapsed, when Mr. Merriman filed a bill in equity accusing his brothers and Mr. Munson with conspiracy to deprive him of his rights and asking a cancellation of the deed of trust to Mr. Munson. That gentleman denied all the material allegations of the bill and the whole matter was referred to a master, who, after taking testimony on both sides, reported to the court, recommending that the bill be dismissed. The report was passed upon by Judge Bucher and his recommendation was approved. The present appeal was then taken to the Supreme Court.

The New Discovery.